



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

Enforcement Division
Northeast Team
1 Aviation Plaza
Jamaica, NY 11434

FEDEX-OVERNIGHT DELIVERY,
U.S. CERTIFIED MAIL, RETURN-RECEIPT REQUESTED
and FIRST CLASS MAIL

FEB 13 2019

Scott Lawrence Kitchens
[REDACTED]

RE: Scott Lawrence Kitchens, Case No. 2017EA250015

EMERGENCY ORDER OF REVOCATION

Under 49 U.S.C. §46105(c), the Acting Administrator has determined that an emergency exists related to safety in air commerce and that immediate action to revoke your Airline Transport Pilot certificate, your Flight Instructor Certificate No. [REDACTED] your Ground Instructor Certificate No. [REDACTED] and any other airman certificate of any kind held by you is required. The reasons for this determination are set forth in the paragraph below entitled "Determination of Emergency."

Based on an investigation and all evidence presently before the Acting Administrator, the Acting Administrator finds that:

1. You are now, and were at all times referenced herein, the holder of Airline Transport Pilot Certificate No. [REDACTED] with Airplane Single Engine Land and Airplane Multi-Engine Land ratings and the following type ratings: BBD-700; CL-30; GVI; LR-60, and LR-Jet.
2. You are now, and were at all times referenced herein were, the holder of Flight Instructor Certificate No. [REDACTED] and Ground Instructor Certificate No. [REDACTED]
3. At all times referenced herein, you were employed by Jet Aviation Flight Services, Inc., an air carrier authorized to conduct operations under 14 C.F.R. part 135, and you had authority to conduct checks for Jet Aviation Flight Services, Inc. and its pilots as a check pilot including pilot competency

checks pursuant to 14 CFR 135.293 and pilot proficiency checks, pursuant to 14 CFR 135.297 in a CL-30 simulator and a BBD-700 simulator.

4. From in or about January 2017 through in or about September 2017, you made or caused to be made a fraudulent or intentionally false entry in a logbook, record, or report that is required to be kept, made, or used to show compliance with any requirement for the issuance or exercise of the privileges of any certificate, rating, or authorization under part 61 of the Federal Aviation Regulations (FAR).
5. Specifically, you made entries in Jet Aviation Flight Services, Inc. Check Airman Form 954 indicating that you had given pilot competency checks pursuant to 14 CFR 135.293 and/or pilot proficiency checks, pursuant to 14 CFR 135.297 for the following airmen, on or about the following dates, when you had not given the checks:
 - a. January 19, 2017: A 135.297 pilot proficiency check and a 135.293 pilot competency check for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Montreal, Canada;
 - b. January 22, 2017: A 135.297 pilot proficiency check and a 135.293 pilot competency check for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Montreal, Canada.
 - c. January 29, 2017: A 135.297 pilot proficiency check and a 135.293 pilot competency check for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Montreal, Canada.
 - d. July 9, 2017: A 135.297 pilot proficiency check and a 135.293 pilot competency check for Airman [REDACTED] in a Global Aircraft, BD700 simulator located in Dallas Forth Worth, Texas;
 - e. July 23, 2017: A 135.297 pilot proficiency check for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Montreal, Canada;
 - f. August 4, 2017: A 135.297 pilot proficiency check for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Dallas Forth Worth, Texas;
 - g. August 5, 2017: A 135.297 pilot proficiency check for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Dallas Forth Worth, Texas;

- h. August 8, 2017: A 135.297 pilot proficiency check for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Dallas Fort Worth, Texas;
 - i. August 9, 2017: A 135.297 pilot proficiency check for Airman [REDACTED] in a Global Aircraft, BD700 simulator located in Dallas Fort Worth, Texas;
 - j. September 18, 2017: A 135.297 pilot proficiency check for Airman [REDACTED] in a Global Aircraft, BD700 simulator located in Dallas Fort Worth, Texas.
- 6. You made the entries described in allegation 5(a)-(j) when you knew you had not given the pilot competency checks pursuant to 14 CFR 135.293 and/or pilot proficiency checks, pursuant to 14 CFR 135.297.
 - 7. The false entries you made as described in allegation 5(a)-(J) are material in that both Jet Aviation Flight Services, Inc. and the Federal Aviation Administration rely on truthful entries regarding pilot competency and proficiency checks.
 - 8. In addition, you made entries in Jet Aviation Flight Services, Inc. Form 953 indicating that you had given pilot training for the following airmen, on or about the following dates, when you had not given the training:
 - a. January 19, 20, and 22, 2017- training for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Montreal, Canada; and
 - b. February 1, 2017 and February 2, 2017- training for Airman [REDACTED] in a CL30 Aircraft, BD100 simulator located in Montreal, Canada.
 - 9. You made the entries described in allegation 8(a)-(b) when you knew you had not given the training.
 - 10. The false entries you made as described in allegation 8(a)-(b) are material in that both Jet Aviation Flight Services, Inc. and the Federal Aviation Administration rely on truthful entries regarding training.

As a result, it appears that you violated the following Federal Aviation Regulations:

- (a) 14 C.F.R. § 61.59(a)(2) which states no person may make or cause to be made any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used to show compliance with any requirement for the issuance or exercise of the privileges of any certificate, rating, or authorization under this part.

Under 14 CFR § 61.59(b), the commission of an act prohibited under paragraph (a) of 14 CFR § 61.59 is a basis for suspending or revoking any airman certificate, rating, or authorization held by that person.

As a result of the foregoing, the Acting Administrator finds that you lack the qualifications necessary to hold an Airline Transport Pilot certificate, a Flight Instructor Certificate, a Ground Instructor Certificate No. [REDACTED] or an airman certificate of any kind. The Acting Administrator therefore has determined that safety in air commerce or air transportation and the public interest require the revocation of the above-mentioned certificate(s). The Acting Administrator further finds that an emergency requiring immediate action exists with respect to safety in air commerce or air transportation. Accordingly, this Order is effective immediately.

IT IS THEREFORE ORDERED, pursuant to the Acting Administrator's authority under 49 U.S.C. §§ 44709 and 46105(c), that:

- 1) Effective immediately, your Airline Transport Pilot Certificate No. [REDACTED] your Certified Flight Instructor Certificate No. [REDACTED] your Ground Instructor Certificate No. [REDACTED] and any airman certificate of any kind held by you, are revoked;
- 2) You must immediately surrender your Airline Transport Pilot Certificate No. [REDACTED] your Certified Flight Instructor Certificate No. [REDACTED] your Ground Instructor Certificate No. [REDACTED] and any other pilot certificate of any kind held by you to: Jeanine C. Gotimer, Senior Attorney – 1 Aviation Plaza, Jamaica, NY 11434; and
- 3) No application for any new pilot certificate shall be accepted from you, nor shall any such certificate be issued to you for a period of one year from the date of service of this Order.

If you fail to surrender your certificate immediately, you will be subject to further legal enforcement action, including a civil penalty of up to \$1,466.00 a day for each day you fail to surrender the certificate.

DETERMINATION OF EMERGENCY

Under 49 U.S.C. § 46105(c) the Acting Administrator has determined that an emergency exists related to safety in air commerce. This determination is based on your lack of qualifications to hold an Airline Transport Pilot Certificate, a Certified Flight Instructor Certificate, a Ground Instructor Certificate or any airman certificate because of the nature and seriousness of the violation set forth in this order.

You intentionally falsified entries in Jet Aviation Flight Services, Inc. records to reflect that you gave proficiency checks, competency checks, and training to pilots when you did not. Intentionally falsifying these records adversely affects safety in that potentially unqualified pilots may have been flying under 14 CFR part 135.

FAA Order 2150.3B, Appendix B, Fig. B-3-a.(6) recommends the revocation of airman certificates for making intentionally false or fraudulent entries in any record or report. Air safety depends on, among other things, the trustworthiness of certificate holders. Certificate holders, who intentionally falsify records for whatever purpose, adversely affect air safety.

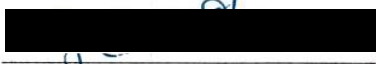
Your willingness to make false entries in Jet Aviation Flight Services, Inc. records reflecting pilot checks and training that you had not conducted shows that you cannot be trusted to provide truthful information to the FAA. Thus, your actions as described above clearly reflect a lack of qualifications necessary for airman certification.

In conclusion, the Acting Administrator has determined that under the criteria of FAA Order 2150.3C, Chapter 7, page 3, Chapter 8, pages 11, and Chapter 9, page 15, emergency action is warranted based on your conduct as alleged in this order that demonstrates you presently lack the degree of care, judgment, and responsibility required of a certificate holder. (FAA Order 2150.3C became effective on September 18, 2018, and applies to your present lack of qualifications to hold an FAA-issued certificate that necessitates this declaration of emergency.) The Acting Administrator, therefore, finds in accordance with 49 U.S.C. § 46105(c) and the aforementioned FAA Order 2150.3C guidance that the exercise of the privileges of your certificates while any proceedings related to the issuance of this order are pending is contrary to the interest of safety in air commerce.

Both FAA Orders 2150.3B and 2150.3C are available at www.faa.gov, and can be accessed using the search terms "2150.3B" or "2150.3C" as appropriate.

You may appeal from this Order in accordance with the appeal procedures set forth below.

Naomi Tsuda
Assistant Chief Counsel
for Enforcement

By: 

Jeanine C. Gotimer
Attorney
Enforcement Division, Northeast Team
1 Aviation Plaza
Jamaica, NY 11434

Email: [REDACTED]@faa.gov
Telephone: [REDACTED] (direct)
(718) 553-3277 (fax)

ENCLOSURES: (1) Pilot's Bill of Rights Written Notification
(2) Releasable Portions of Enforcement Investigative Report
(FedEx Only)

APPEAL

You may appeal from this Emergency Order within ten (10) days from the date of its service, which is FEB 13 2019 by filing a Notice of Appeal with the Office of Administrative Law Judges; National Transportation Safety Board; 490 L'Enfant Plaza East, S.W.; Washington, D.C. 20594 (telephone (202) 314-6150; facsimile (202) 314-6158). The National Transportation Safety Board's ("NTSB") Rules of Practice in Air Safety Proceedings, 49 C.F.R. part 821, subpart I, apply to appeals of Emergency and Other Immediately Effective Orders. An executed original and three (3) copies of your Notice of Appeal must be filed with the NTSB. All documents submitted to the NTSB in a proceeding governed by 49 C.F.R. part 821, subpart I, must be filed with the Board by overnight delivery, facsimile, or electronic mail and simultaneously served on all other parties by the same means. Electronic mail filings with the Board must comply with 49 C.F.R. § 821.7(a)(3). Therefore, if you appeal, a copy of your Notice of Appeal also must be served on the FAA's attorney at the address listed in this Emergency Order by overnight delivery or by facsimile at (718) 553-3277. If you file an appeal to the NTSB, a copy of this Emergency Order will be filed with the NTSB as the Administrator's Complaint in that proceeding.

You may also seek review of the FAA's determination that an emergency exists in this case, which makes this order immediately effective. You may request such review in a written petition filed within two days after your receipt of this order. Petitions for review of FAA emergency determinations must be served, with a copy of the FAA's emergency order attached to the petition, by overnight delivery, facsimile, or electronic mail: (1) on the Office of Administrative Law Judges; National Transportation Safety Board; 490 L'Enfant Plaza East, S.W.; Washington, D.C. 20594 (facsimile (202) 314-6158); and (2) simultaneously and by the same means, on the FAA's attorney at the address provided in this order or by facsimile at (718) 553-3277. Electronic mail filing of a petition for review of the FAA emergency determination with the Board must comply with 49 C.F.R. § 821.7(a)(3). The NTSB rules of practice that apply to its review of the FAA's emergency determinations are available at 49 C.F.R. § 821.54.

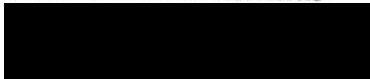
The Board's Rules of Practice in Air Safety Proceedings, 49 C.F.R. part 821, are available through the NTSB's website at <http://www.nts.gov/legal/alj>.

Whether or not you elect to appeal from this Emergency Order, you must immediately surrender your airman certificates to Jeanine C. Gotimer at the address listed in this Emergency Order. In the event that you have lost or destroyed your certificate, you will be required to execute a sworn declaration setting forth the circumstances that make you unable to surrender your certificates.

CERTIFICATE OF SERVICE

I certify that the foregoing Emergency Order of Revocation in FAA Case No. 2017EA250015 has been sent this date by FedEx – overnight delivery, U.S. Certified Mail, return-receipt requested, and First-Class Mail to:

Scott Lawrence Kitchens




[Redacted signature]

Date: February 13, 2019

Jacqueline M. Facey
Management & Program Analyst

ACCESS TO INFORMATION UNDER THE PILOT'S BILL OF RIGHTS

On August 3, 2012, the Pilot's Bill of Rights (PBR), Public Law 112-153, was enacted. Among other things, the PBR requires that you be given notification that the releasable portions of the Acting Administrator's enforcement investigative report (EIR) will be available to you and that if applicable, you are entitled to access or otherwise obtain air traffic data relevant to the Acting Administrator's investigation. Accordingly:

1. As noted in the emergency order, the releasable portions of the Acting Administrator's EIR are provided to you with this order.
2. If applicable, the air traffic data in the possession of the FAA obtained during the investigation of this emergency enforcement action are included in the releasable portions of the Administrator's EIR described in item 1 above.
3. If you want the FAA to obtain air traffic data in the possession of a government contractor that is relevant to this matter for you, you must direct your request to the FAA's legal counsel handling this emergency enforcement action. In accordance with the PBR, your request to the FAA for air traffic data in the possession of a government contractor must describe the facility at which the information is located and identify the date on which the information was generated. Because air traffic data are routinely destroyed or disposed of in the ordinary course of business, it is important that any request by you for such data be made as soon as possible.